


FILED

SEP 21 2020

**IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF TEXAS**

CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY  DEPUTY CLERK

Symon Mandawala,

Plaintiff,

v.

Civ. SA-19-CV-00635

Struga Management, Consuelo

Corona,

Juan Martinez, Raven Rocco, David

Fritsche, Travis Miller

(Hon Judge J.K P)

Defendant.

**PLAINTIFF'S MOTION TO STRIKE DEFENDANTS' AFFIRMATIVE
DEFENSES AND REPLY TO THE DEFENDANTS' RESPONSE**

In response to the defendants' affirmative Defense, Mandawala is hereby requesting the district court to strike it as Untimely and filed in bad faith. By looking at the docket 24, there is an order to file an Answer or response to the amended complaint. The order specifically put December 13, 2019, as the dateline of filing a response. (see Attached copy of order)

As noted in docket 31 dated December 6, 2019 defendant defied the order in DKT 24 order and filed a Motion for a More definite statement, and the Magistrate denied that. After defying the Magistrate's order to file an answer on December 13, 2019, the late January 22, 2020 defendants' Motion to Dismiss was filed, and the court granted the Motion on August

20, 2020. Twenty days later, six days from the actual 14days responsive period passed, that was when defendants' file affirmative defenses.

Even without considering the defendants' Affirmative defense as late from the order in docket 24, ordering to file Answer By December 13, 2020, the Answer is also late with six days from the August 20, 2020 order Motion to dismiss.

Therefore, defendants, Affirmative defense is untimely and should be struck out of the docket.

Respectiffly submitted

By: 

Symon Mandawala

PO BOX 5512

SAN ANTONIO, TX 78201

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

SYMON MANDAWALA,

Plaintiff,

v.

STRUGA MANAGEMENT d/b/a
Vineyard Gardens, CONSUELO
CORONA, JUAN MARTINEZ,
and RAVEN RICCO,

Defendants.

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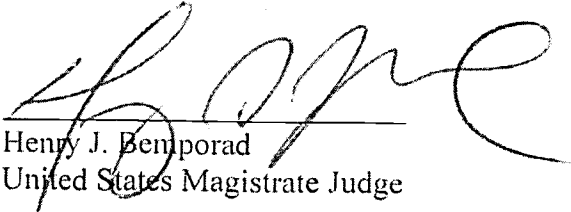
SA-19-CV-635-JKP (HJB)

ORDER

Before the Court are Defendants' Fed. R. Civ. P. 12(e) Motion for More Definite Statement (Docket Entry 5), and *pro se* Plaintiff's Motion to Amend the Original Complaint (Docket Entry 21). Pretrial matters in this case have been referred to the undersigned for consideration pursuant to 28 U.S.C. § 636(b). (*See* Docket Entry 17.)

A hearing was held on the motions on November 15, 2019. In accordance with the Court's rulings at the hearing, it is hereby **ORDERED** that Plaintiff's Motion to Amend the Original Complaint (Docket Entry 21) is **GRANTED**, and Defendants' Fed. R. Civ. P. 12(e) Motion for More Definite Statement (Docket Entry 5) is **DENIED AS MOOT**. Defendants' deadline for answering or otherwise responding to the Amended Complaint is **December 13, 2019**.

SIGNED on November 15, 2019.


Henry J. Bemporad
United States Magistrate Judge

IN THE UNITED STATES DISTRICT
COURT FOR THE WESTERN DISTRICT
OF TEXAS San Antonio Division

Symbon Mandawala

v

CWO SA 19-cv-00635

Struga Management
Consuelo Corona
Juan Martinez
Reven Rico

Order

On this date _____ The court heard the
Plaintiffs Motion to strike defendant's Affirmative
Defense, and the court _____ Plaintiffs
Request after reviewing all materials

It so ordered

Date Signed

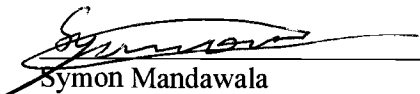
Judge

AFFIDAVIT/ CERTIFICATE OF SERVICE

I, Symon Mandawla on this 9/19/2020 true copies of Plaintiff's Motion to Strike Defendant's Affirmative defenses to Mr. R. David Fritsche Attorney for the defendant(s) through Certified Mail Return receipt requested

Mr. R. David Fritsche
921 Proton Rd
San Antonio,
Texas 78258

Counsel for Defendant(s)



Symon Mandawala
P.O. Box 5512
San Antonio, Texas 78102

Plaintiff